

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRANK ORTIZ,

Plaintiff,

v.

ISIDRO BACA, et al.,

Defendants.

3:07-^{CV}~~CR~~-531-RCJ(VPC)

ORDER

Before the Court is Plaintiff's Objection to Magistrate Cooke's January 15, 2009 Recommendation (#39) filed on January 26, 2009. This action was referred to U.S. Magistrate Judge Valerie P. Cooke pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#37) on January 15, 2009, recommending that this Court enter an order granting defendants' motion to enforce settlement agreement (#25) and denying Plaintiff's Motion for Order Enforcing Settlement Agreement and for Sanctions and Request for Sanctions (#26). Defendants' Response to: Plaintiff's Notice of no Opposition by Defendants; Waiver of Reply Request for Submission (#41) was filed on March 17, 2009.

I. ANALYSIS

A. Review of Magistrate Judge's Order

Pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 3-2, a party may file specific written objections to the findings and recommendations of a magistrate judge made pursuant to LR IB 1-4. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in

1 whole or in part, the findings or recommendations made by the magistrate judge. LR IB 3-2(b).
2 *De novo* review means the court must consider the matter anew, the same as if it had not
3 been heard before and as if no decision previously had been rendered. Ness v.
4 Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992). Thus, although the district court need
5 not hold a *de novo* hearing, the court's obligation is to arrive at its own independent conclusion
6 about those portions of the magistrate judge's findings or recommendation to which objections
7 are made. United States v. Remsing, 874 F.2d 614, 617 (9th Cir. 1989).

8 After conducting a *de novo* review of the record, the Court accepts and adopts the
9 Magistrate Judge's Minutes of the Court (#37).

10 III. CONCLUSION

11 IT IS HEREBY ORDERED that the court ACCEPTS and ADOPTS in whole the Report
12 and Recommendation of U.S. Magistrate Judge (#37)

13 IT IS FURTHER ORDERED that Defendants' Motion to Enforce the Settlement (#25)
14 is GRANTED.

15 IT IS FURTHER ORDERED that Plaintiff's Motion for Order enforcing November 18,
16 2008, Settlement Agreement; and Request for Sanctions Against Defendants (#26) is
17 DENIED.

18 IT IS FURTHER ORDERED that this case is DISMISSED with prejudice with the parties
19 to bear their own costs and attorney's fees.

20 IT IS SO ORDERED.

21 DATED: This 23 day of October, 2009.

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24 Robert C. Jones
UNITED STATES DISTRICT JUDGE
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